



In The Pakistan Information Commission, Islamabad

Appeal No 813-12/20

Amer Ejaz

(Appellant)

Vs.

Comsats University, Islamabad

(Respondent)

ORDER

Date: February 09, 2021

Zahid Abdullah: Information Commissioner

A. The Appeal

1. The Appellant filed an appeal, dated 16-10-2020, to the Commission, stating that *“I submitted an application to In Charge Admission at COMSATS University, Islamabad Campus for providing Admission related information for Fall 2020 semester (Copy attached). The application was sent through courier and email. I have not received any response from the university authorities despite the lapse of time limit stipulated in the Section 14(1) of above-mentioned law.*

I request you to direct the university authorities to provide me the information without any further delay.”

2. The information sought by the Appellant is as follows:
 - *“Copies of the drawing test along with the number obtained by each candidate who took the test for admission in B-Architecture Fall 2020 semester at Comsats University Islamabad”*

B. Proceedings

3. Through a notice dated December 28, 2020 sent to Rector, Comsats University the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. The Respondent was issued another notice on January 19, 2021. The text of the notice is as under:

“In pursuance of the Standard Operating Procedures issued by the Government of Pakistan for the Covid-19 and to ensure public safety, the personal appearance before the Commission at the time of hearing, is condoned for the time being. Therefore, you are directed to submit your written reply and arguments to Pakistan Information Commission within fifteen days of the receipt of this notice.

Copies of the supporting documents may be annexed with the written arguments. If the written arguments are not submitted within 15 days, the appeal will be decided Ex Parte in the light of the record available on file and the Right of Access to Information Act 2017”

C. Discussion and Commission's View on Relevant Issues

5. The questions for the consideration of the commission are as under:
 - (a) Should a citizen have access to requested information in accordance with the provisions of the Right of Access to Information Act 2017, hereafter referred as Act?
 - (b) Did the Respondent follow procedure laid down in the Act in responding to the request of the citizen?
6. This commission believes that transparency in admission processes is pre-requisite to build trust of citizens in public universities. Therefore, the provision of certified copies of drawing tests along with marks is in public interest.
7. This commission is of the view that authorization of admission is granted to successful candidates, based on their performance determined through the tests.
8. Students enrolled in public universities get access to subsidized education paid through the taxes of the citizens of Pakistan. As such, access to subsidized education through admissions in public universities is a privilege granted to successful candidates. Hence, citizens have the right to know about the performance of the successful candidates who enjoy the privilege of subsidised education in public universities. That is why Section 5 (1) (e) states that "particulars about the recipients of any concession, permit, license or authorization granted by the public body" should be made public by federal public bodies through their web sites.
9. In the instant appeal, the Rector, COMSATS University, deemed to be Public Information Officer, (PIO), as required under Section 9 of the Act when a PIO is not designated by the head of a public body, failed to perform following obligations under the Act.

I. Failure to provide "written acknowledgement in response to" a request for information filed by citizen as required by Section 10 (1) of the Act.

II. Failure to follow procedure enunciated in the Act for acceptance and refusal of request for information laid down in Section 13 (2) of the Act which is as under:

"(2) The designated official shall process the request and by notice in writing inform the applicant that---

a) A request has been acknowledged and the applicant is entitled to receive the information or record, subject to the payment of the prescribed fee. On payment of the fee the designated official shall provide the requested record, or

b) The request has been rejected-

i. On the basis that it does not comply with the provisions of this act and the rules made there under but only after requisite assistance has been offered to the applicant as mentioned in sub-section (2) of section 10;

ii. On the basis that the information is already available in a generally accessible form in which case the notice shall indicate to the applicant the place from where the information may be found;

iii. On the basis that it is incorrect, because it relates to information which is substantially the same information that has already has been provided to the same applicant during last six months; or

- iv. *In whole or in part, on the basis that the information is exempt subject to section 7 or section 16, in which the notice shall specify the exact exception, relied upon and specifying details regarding the right of the applicant to appeal against this decision”*
10. The Respondent also failed in adhering to the timeline for responding to the information requests as required under Section 14 (1) and (2) of the Act as the PIO did not respond to the information request at all.
 11. The PIO not only delayed and denied access to the requested information, the PIO maintained radio silence and also failed to comply with the duly sent notices of the commission.
 12. The fact that the Respondent has caused delay in providing to the requested information to the Appellant highlights following two issues:
 - (A) That the Respondent has violated timeline mentioned in the Act to provide the requested information to the Appellant; and
 - (B) That had the Respondent implemented provisions of this Act, including, but not limited to Section 4 and 5 of the Act, the unwarranted delay in providing the requested information to the Applicant could have been avoided.
 13. This commission has held through its different detailed judgements that federal public bodies are not giving primacy to proactive disclosure of information through their web sites and that proactive disclosure of information is not given serious consideration it deserves.
 14. While all federal public bodies were legally bound to implement Section 5 of the Act within six months of the commencement of this Act, it is painfully obvious from the responses of the public bodies that work on proactive disclosure of information is progressing at a glacial pace. This clearly suggests that the public bodies have demonstrated paper-thin grasp of the significance of the transparent functioning of public institutions through proactive disclosure of information.
 15. This commission has also established through its different Orders that not only information is to be made available to citizens as required under Section 5 of the Act but it has to be made available on the web sites in a manner that it is accessible for all citizens, including those with different disabilities by incorporating web accessibility standards in the design and development of web site.

D. Order

16. The appeal is allowed. The Rector, COMSATS University is directed to provide the following information to the Applicant, with intimation to this commission, within 10 working days of the receipt of this Order:

“Copies of the drawing test along with the number obtained by each candidate who took the test for admission in B-Architecture Fall 2020 semester at Comsats University Islamabad”.
17. The Respondent is directed to notify Public Information Officer, (PIO), under Section 9 of the Act, put the notification to this effect on its web site as required under Section 5 (1) (b) of the Act, put name, designation and contact details of the PIO on its web sites as required under Section 5 (1) (h) of the Act and submit compliance report to the commission within 10 working days of the receipt of this order.
18. The Respondent is directed to take immediate steps to proactively share through the web site all categories of information mentioned in Section 5 of the Right of Access to

Information Act 2017 and submit the compliance report to the commission in the Template for the Compliance Report-Proactive Disclosure of Information under Section 5 of the Right of Access to Information Act 2017'. This template is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission by 10/03/2021.

19. The Respondent is directed to ensure accessibility of the information proactively published on its web site under Section 5 of the Right of Access to Information Act 2017 for all citizens, including the blind, low-vision, physically disabled, speech and hearing impaired and people with other disabilities and submit compliance report to this effect using 'Web accessibility checklist'. This checklist is available under 'Information Desk' category at the web site of the commission www.rti.gov.pk. The compliance report be submitted to this commission by 10/03/2021.
20. Copies of this order be sent to Rector, COMSATS University and the Appellant for information and necessary action.

Mohammad Azam
Chief Information Commissioner

Fawad Malik
Information Commissioner

Zahid Abdullah
Information Commissioner

Announced on:
February 09, 2021

This order consists of 4 (four) pages, each page has been read and signed